

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

KENNETH A. HIBBEN and	)	
DEBORAH A. HIBBEN,	)	
	)	
Petitioners,	)	
	)	
v.	)	NO.: 3:08-MC-25
	)	(VARLAN/SHIRLEY)
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

This matter is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley on June 19, 2009. [Doc. 6.] There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After careful review of the matter, the Court is in agreement with Magistrate Judge Shirley's recommendations, which the Court adopts and incorporates into its ruling. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 6] and hereby **DENIES** plaintiff's motion to quash [Doc. 1] and **GRANTS** the defendant's motion to dismiss [Doc. 3].

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE